

Staff Summary Report



Hearing Officer Hearing Date: July 17, 2007

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **CLEARWIRE (PL070217)** located at 411 West 1st Street for one (1) use permit.

DOCUMENT NAME: 20070717dssd02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **CLEARWIRE (PL070217)** (Brandon Brown/Clearwire-Powder River, applicant; APS, property owner) located at 411 West 1st Street in the GID, General Industrial District for:

ZUP07074 Use permit to allow a sixty-six (66) foot wireless antenna (electrical pole).

PREPARED BY: Shawn Daffara, Planner II

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

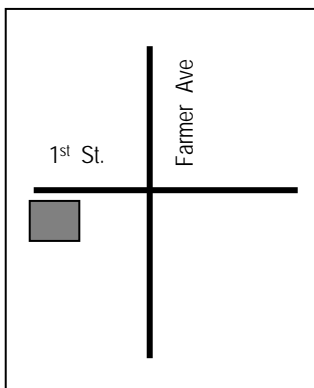
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-5

ADDITIONAL INFO: The applicant, Clearwire is seeking approval for a use permit to allow a sixty-six (66) feet tall wireless communication tower (electrical pole). The project is located at 411 W. 1st Street in the GID, General Industrial District. The proposed electrical pole will be located adjacent to the northwest portion of the Arizona Power Service electrical substation, near the intersection of West 1st Street and South Wilson Street. Staff recommends approval of the proposal as submitted, with conditions.



PAGES:

1. List of Attachments
2. Comments; Reason(s) for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Enlarged Site Plan
6. Staff Photograph(s)
7. Photo-Sims of new electrical pole.

COMMENTS:

The applicant, Clearwire is seeking approval for a use permit to allow a sixty-six (66) feet tall wireless communication tower (electrical pole). The project is located at 411 W. 1st Street in the GID, General Industrial District. The proposed electrical pole will be located adjacent to the northwest portion of the Arizona Power Service electrical substation, near the intersection of West 1st Street and South Wilson Street. The steel pole will replace an existing wood pole at the site.

Staff recommends approval of the proposal as submitted, with conditions.

Use Permit

The Zoning and Development Code requires a use permit for a wireless telecommunications antenna in all allowable zoning districts including the GID, General Industrial District. This use permit request meets all applicable tests in the following manner:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - As the proposal is for a wireless antenna; there should be no nuisances.
- c. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding the uses.

Conclusion

Staff recommends approval of the use permit

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use will not be significant.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. Obtain all necessary clearances from the Building Safety Division.
2. The electrical pole shall be no greater than 66'-0" (sixty six feet) in height (to the top of the pole) as per plans submitted with this request.
3. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
4. The applicant shall contact City of Tempe Engineering Department; Carol Martsch (480) 350-8524. This APS electrical pole is located within the city right of way and may require an encroachment permit.
5. The wireless device shall be removed within 30 days of discontinuance of use.

HISTORY & FACTS:

None pertinent to this request.

DESCRIPTION:

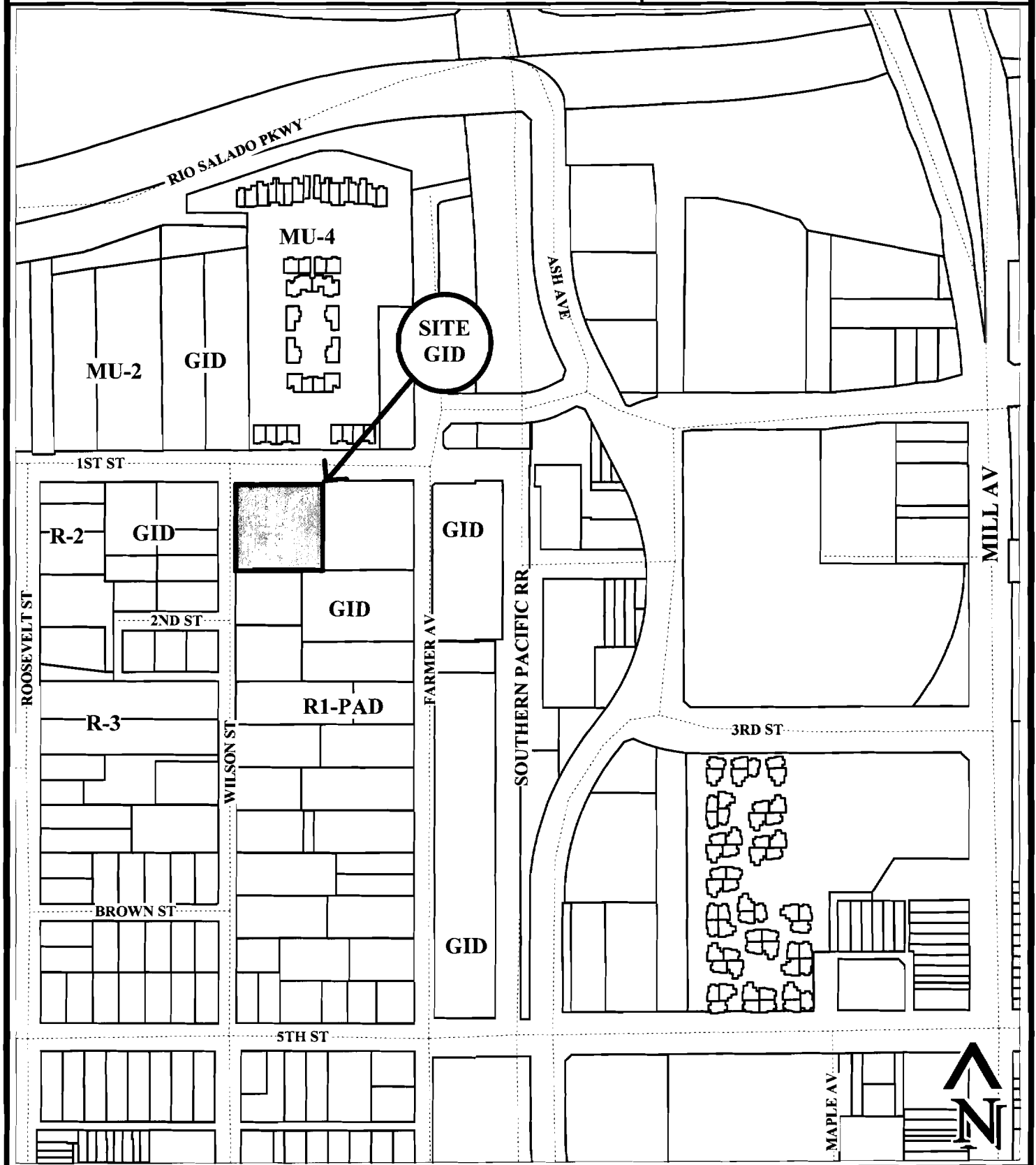
Owner – Arizona Public Service Company
Applicant – Brandon Brown/Clearwire-Powder River
Existing zoning – GID, General Industrial District
Total site area – 40,569 s.f. / .93 acre's
Clearwire Lease Area– 49 s.f.

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Section 3-202 – Permitted Uses in the Office/Industrial Districts.
Part 3, Section 3-421 - Wireless Telecommunications Facilities.
Part 6, Section 6-308 Use Permit.

CLEARWIRE

PL070217





CLEARWIRE (PL070217)

CLEARWIRE AZ-PHX174 411 West 1st Street, Tempe, AZ 85281

Clearwire, a broadband Internet service provider, is a new Internet service provider to the Phoenix Metropolitan Area. At this point in time all of the Clearwire sites will be co-location on existing poles or vertical elements. Clearwire is requesting to co-locate on a proposed steel APS pole. The steel pole will replace a wood pole at the site. Clearwire is proposing three (3) 4-foot sectors (T-Arm mounts) with one or two antennas per sector with a total of three to six antennas total. The associated equipment, which is much smaller than most wireless phone company providers, will be located inside the APS substation. The following is an outline of the limitations to the area and how Clearwire will comply with all Federal, State, and Local Regulations with respect to wireless communication facilities:

- Utilizing existing communication facility due to other facilities in a 1-mile radius of the subject site would have required more extensive site modification or a new structure.
- Other public utility poles lacked the available ground space needed and the appropriate height for the Radio Frequency signal.
- Other existing vertical elements were eliminated due to unwilling landlords, unavailable height, ground space, and physical site restraints.
- This particular parcel was chosen due to the existing vertical element and available space.
- The coaxial cable will be routed thru the inside of the tower.

The proposed design will be engineered certified to be in compliance with all Zoning Ordinances, Uniform Building, Electric, and Fire Codes. The proposed wireless communication facility will meet or exceed all Federal, State, Local Government agency requirements including the Federal Communication Commission (FCC) and the Radio Frequency (RF) exposure standards. As a result, the proposed project will be in compliance with all sections of the Tempe zoning ordinance and code requirements.

Clearwire is excited about the opportunity to bring enhanced service to the Tempe area. As a result, residents and tourist will benefit from the improved coverage and options available. The improvements will help to enhance E-911, City and Public communication services. Therefore, Clearwire is requesting the Cities support in the subject proposal.

Please refer to the drawings and supplemental information for any further clarification.

BRANDON BROWN
For Clearwire and Powder River

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Dynatek

TELECOMMUNICATIONS SERVICES

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Phone: 800-838-3224
Fax: 330-448-4337
www.dynastektele.com

DYNATEX
PROJECT NO. 4006

DRAWN BY

CHICKEN BY

SUBMITTALS

2	5/9/07	ADDRESS CORRECTED
1	5/11/07	REDLINE REVISIONS
0	4/23/07	ISSUED FOR REVIEW

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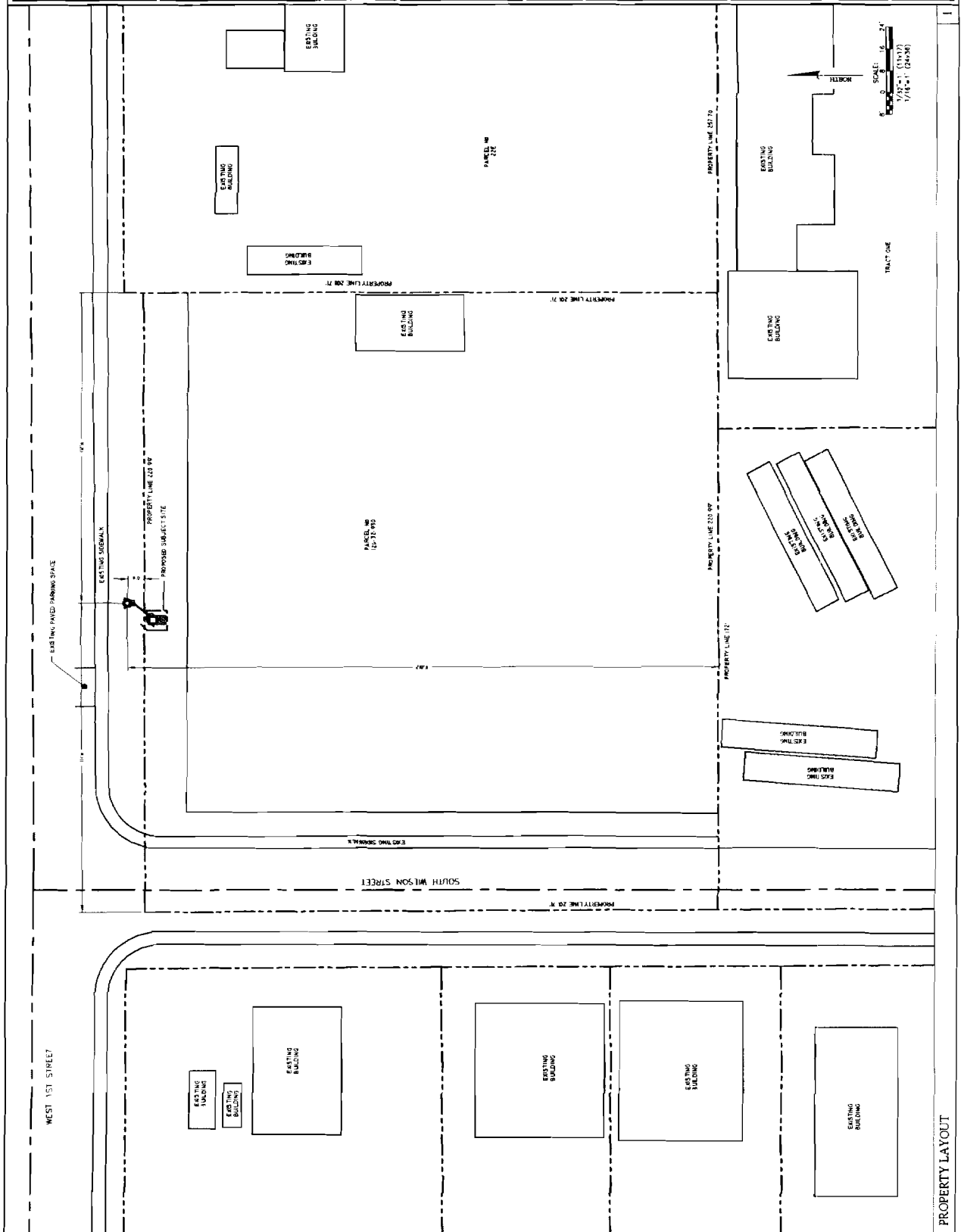
TEMPE
SUBSTATION
(AZ-PHX174D)

SHEET TITLE:

PROPERTY LAYOUT

SHEET NUMBER.

A-1a



clear
wireless broadband

4400 CARLSON POINT
TENTON, NJ 08053
TEL: (609) 426-1000
FAX: (609) 218-7100

Dynatek

TELECOMMUNICATIONS SERVICES

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DYNATEK
PROJECT NO. 0905

DRAWN BY JED

CHECKED BY D C B

SUBMITTALS

1	5/1/07	ISSUED FOR REVIEW
2	5/1/07	ISSUED FOR REVIEW
3	5/1/07	ISSUED FOR REVIEW

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**TEMPE
SUBSTATION
(AZ-PHX174D)**

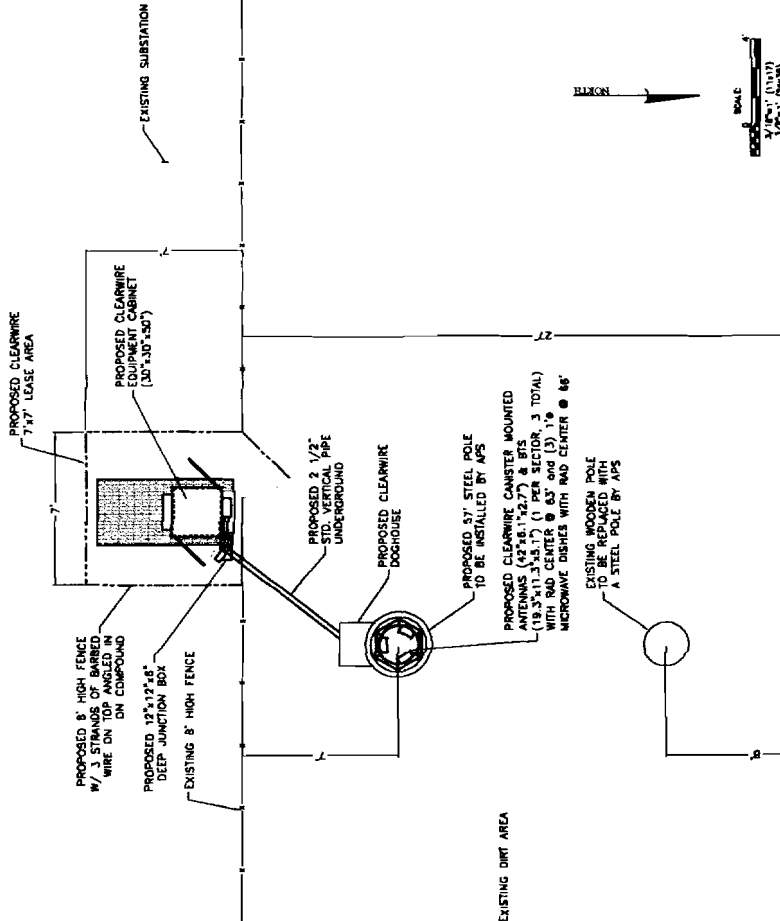
411 WEST 1ST STREET
TEMPE, AZ 85281

SHEET TITLE

SITE PLAN

SHEET NUMBER

A-1



EXISTING SIDEWALK

WEST 1ST STREET

SITE PLAN

1



CLEARWIRE

411 W. 1ST ST.

PL070217

**EXISTING UTILITY POLE WILL BE REPLACED BY
NEW ELECTRICAL POLE.**

Clearwire AZ-PHX174

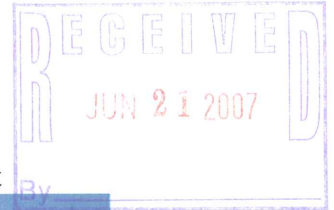


Photo Simulation of proposed APS utility pole looking East



Photo Simulation of proposed APS utility pole looking West

